

1 Adopt 2 Cal. Code Regs. section 18531.63 to read:

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3 **§ 18531.63. Elected State Officeholder Contribution Cumulation.**  
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5 (a)(1) Future Campaign Accounts: In order to determine if an elected state  
6 officer and specific contributor are in compliance with the contribution limits of  
7 Government Code sections 85301, and 85302, any officeholder contribution (or  
8 officeholder contributions in the aggregate) received by the elected state officer during  
9 the elected state officer's term of office shall be cumulated (in full) with any other  
10 contribution from that same contributor for any other elective state office that the  
11 officeholder has filed a statement of intention to seek.

12 (2) This cumulation requirement only applies where the elected state officer has  
13 filed a statement of intention to seek an elective state office during the term of office for  
14 which the officeholder contribution was received.

15 (3) [Decision point 3: The cumulative amount of the officeholder contribution  
16 when combined with contributions from the same contributor for a primary and general  
17 election to the same office may not exceed the contribution limits applicable to the  
18 primary and general election in the aggregate.]

19 (4) Where an elected state officer has filed a statement of intention to seek more  
20 than one elective state office, the lowest contribution limit applicable to the officeholder  
21 controls.

22 (b) Officeholder Contribution Limits: In order to determine the applicable  
23 contribution limit to an elected state officer's officeholder account established pursuant to  
24 section 85316, the lower of the following apply:

25 (1) The calendar year contribution limits applicable to the officeholder committee  
26 pursuant to section 85316 (aggregate and individual), or

27 (2) The lowest per election contribution limit [Decision point 3: (the aggregate of  
28 the primary and general election limits)] applicable to any other elective state office that  
29 the candidate has filed a statement of intention to seek during the officeholder's current  
30 term of office.

31 (c) In addition to the requirements of 2 Cal. Code Regs. section 18523.1, any

1 solicitation for contributions to the officeholder account must include the following:  
2 “Under the Political Reform Act a contribution (or contributions) made to an elected  
3 officer’s officeholder account count against the contributor’s limit on contributions to  
4 that officer’s next election to the Assembly, Senate or any other elective state office that  
5 the officer intends to seek during his or her current term of office.”

6 (d) If during an officeholder’s term of office, the officeholder receives an  
7 officeholder contribution (or contributions in the aggregate) from a single contributor that  
8 exceeds the allowable contribution limit as set forth in subdivision (b) of this regulation,  
9 the officeholder shall return the amount exceeding the limit to the contributor as follows:

10 (1) Monetary Contributions. The amount exceeding the limit shall be returned  
11 within 14 days of receipt or by the date the statement of intention to be a candidate is  
12 filed, whichever is earlier.

13 (2) Non-Monetary Contributions. A non-monetary contribution that exceeds the  
14 limit may be retained so long as the value in excess of the limit is reimbursed to the donor  
15 within 14 days of receipt or the date the statement of intention to be a candidate is filed,  
16 whichever is earlier.

17 **[Decision point 4: Officeholders shall not be required to return any funds**  
18 **pursuant to this regulation that would exceed the amount of the officeholder funds in the**  
19 **officeholder account, so long as the officeholder receives no additional officeholder**  
20 **contributions for the remainder of that term of office.]**

21 (e) A contributor that makes a contribution which, when cumulated with  
22 contributions attributed to the same contributor, would otherwise be in violation of  
23 Government Code section 85316(b), shall not be in violation of the section unless the  
24 violation was intentional.

## FINDING OF EMERGENCY

27 The Fair Political Practices Commission finds that an emergency exists and that the  
28 foregoing regulation is necessary for the immediate preservation of the public peace,  
29 health, safety or general welfare. A statement of the facts constituting such emergency is:

STATEMENT OF FACTS

In order to clarify issues relating to contributions made to an elective state officer after the date of his or her election, it is necessary that this regulation take effect on an emergency basis.

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